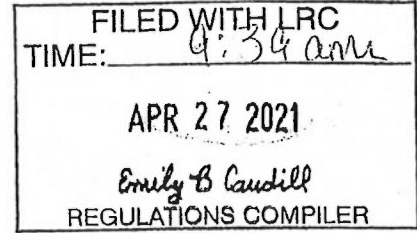


## NOTICE

Amendment to 803 KAR 2:060, Employer responsibility to post notice, was filed with the Legislative Research Commission on April 27, 2021.

The amendment is posted at <https://legislature.ky.gov>. Select the Kentucky Law Tab, Kentucky Administrative Regulations, KAR List by Title, then Title 803 Labor Cabinet and scroll down to the regulation under Chapter 2 Occupational Safety and Health.

Changes to the regulation and public hearing information is available at the aforementioned website or in the pages below following this notice.



1 LABOR CABINET  
2 Department of Workplace Standards  
3 Division of Occupational Safety and Health Compliance  
4 Division of Occupational Safety and Health Education and Training  
5 (Amendment)  
6 803 KAR 2:060. Employer responsibility to post notice [~~Employers' responsibilities~~].  
7 RELATES TO: KRS 338.051, 29 C.F.R. Part 1903  
8 STATUTORY AUTHORITY: KRS 338.051, 338.061  
9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires [~~Pursuant to the~~  
10 ~~authority granted~~] the Kentucky Occupational Safety and Health Standards Board to promulgate  
11 occupational safety and health [~~by KRS 338.051 to adopt administrative~~] regulations and  
12 authorizes the chairman to reference federal standards if necessary to meet federal time  
13 requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and  
14 reference federal standards. This administrative regulation establishes employers' responsibility  
15 to post notices provided by the Labor Cabinet and availability of safety and health administrative  
16 regulations [~~required by federal law, this administrative regulation identifies the responsibility~~  
17 ~~place upon the employer to post notices furnished by the Occupational Safety and Health~~  
18 ~~Program, Department of Workplace Standards, verify abatement of cited hazards to the~~  
19 ~~department, and also to furnish certain information to employees for their safety and protection.~~  
20 ~~Necessary for effective enforcement of the purposes and policies of the~~

~~Occupational Safety and Health Act which is to insure so far as is possible, safe and healthful working conditions of Kentucky workers (KRS 338.011)].~~

Section 1. Definitions. (1) "Employee" is defined by KRS 338.015(2).

(2) "Employer" is defined by KRS 338.015(1).

(3) "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed such as a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.

~~"Abatement" means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by Division of Occupational Safety and Health Compliance during an inspection.~~

(2) ~~"Abatement date" means:~~

(a) ~~For an uncontested citation item, the later of:~~

1. ~~The date in the citation for abatement of the violation;~~

2. ~~The date approved by Division of Occupational Safety and Health Compliance or established in litigation as a result of a petition for modification of the abatement date (PMA); or~~

3. ~~The date established in a citation by an informal settlement agreement.~~

(b) ~~For a contested citation item for which the Kentucky Occupational Safety and Health Review Commission (KOSHRC) has issued a final order affirming the violation, the later of:~~

1. ~~The date identified in the final order for abatement; or~~

2. ~~The date computed by adding the period allowed in the citation for abatement to the final order date;~~

3. ~~The date established by a formal settlement agreement.~~

1   ~~(3) “Affected employees” means those employees who are exposed to the hazard(s) identified as~~  
2   ~~violation(s) in a citation.~~

3   ~~(4) “Final order date” means:~~

4   ~~(a) For an uncontested citation item, the 15th working day after the employer's receipt of the~~  
5   ~~citation;~~

6   ~~(b) For a contested citation item:~~

7   ~~1. The 30th day after the date on which a decision or order of a commission hearing officer has~~  
8   ~~been docketed with the commission, unless a member of the commission has directed review; or~~

9   ~~2. Where review has been directed, the 30th day after the date on which the commission issues~~  
10   ~~its decision or order disposing of all or pertinent part of a case; or~~

11   ~~3. The date on which an appeals court issues a decision affirming the violation in a case in which~~  
12   ~~a final order of KOSHRC has been stayed.~~

13   ~~(5) “Movable equipment” means a hand-held or nonhand-held machine or device, powered or~~  
14   ~~unpowered, that is used to do work and is moved within or between worksites.~~

15   ~~(6) “Establishment” means a single physical location where business is conducted or where~~  
16   ~~services or industrial operations are performed [, (for example: A] factory, mill, store, hotel,~~  
17   ~~restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative~~  
18   ~~office.) Where distinctly separate activities are performed at a single physical location (such as~~  
19   ~~contract construction activities from the same physical location as a lumber yard), each activity~~  
20   ~~shall be treated as a separate physical establishment, and a separate notice or notices shall be~~  
21   ~~posted in each such establishment, to the extent that such notices have been furnished by the~~  
22   ~~Division of Occupational Safety and Health Compliance. Where employers are engaged in~~  
23   ~~activities which are physically dispersed, such as agriculture, construction, transportation,~~



1   communications, and electric, gas and sanitary services, the notice or notices required by this  
2   section shall be posted at the location to which employees report each day. Where employees do  
3   not usually work at, or report to, a single establishment, such as traveling salesmen, technicians,  
4   engineers, etc., such notice or notices shall be posted at the location from which the employees  
5   operate to carry out their activities. In all cases, such notice or notices shall be posted in  
6   accordance with the requirements of Section 2 of this administrative regulation].

7   Section 2. Posting. [Purpose and Scope. (1) KRS Chapter 338 requires, in part, that every  
8   employer shall furnish to his employees employment and a place of employment which are free  
9   from recognized hazards that are causing or are likely to cause death or serious physical harm to  
10   his employees. Covered employers shall comply with the occupational safety and health  
11   standards promulgated pursuant to KRS Chapter 338. Employees shall comply with standards,  
12   rules, administrative regulations and orders issued under KRS Chapter 338 which are applicable  
13   to their own actions and conduct.

14   (2) The Division of Occupational Safety and Health Compliance is authorized to conduct  
15   inspections and issue citations and proposed penalties for alleged violations.

16   Section 3. Posting of Notice , Availability of Act, Administrative Regulations, and Applicable  
17   Standards]. (1) Each employer shall post and keep posted a notice or notices created [to be  
18   furnished] by the Labor Cabinet [Division of Occupational Safety and Health Compliance, Labor  
19   Cabinet,] informing employees of the protections and obligations established [provided for] in  
20   KRS Chapter 338 including information that [, and that for assistance and information, including  
21   health standards,] employees may [should] contact the employer or the Labor Cabinet for  
22   occupational safety and health assistance and information [Division of Occupational Safety and  
23   Health Compliance].

1 (2) The notice created by the Labor Cabinet is available on the Labor Cabinet website.

2 (3) The [Such] notice or notices shall be posted by the employer in each establishment in a  
3 conspicuous place or places where notices to employees are customarily posted.

4 (4) Where distinctly separate activities are performed at a single physical location such as  
5 construction activities at the same physical location, each activity shall be treated as a separate  
6 physical establishment and a separate notice or notices shall be posted in each such  
7 establishment.

8 (5) Where employers are engaged in activities which are physically dispersed such as agriculture,  
9 construction, gas and sanitary services, transportation, communications, and electric services, the  
10 notice or notices shall be posted at the location to which employees report each day.

11 (6) Where employees do not usually work at, or report to, a single establishment, such as  
12 traveling salesmen, technicians, and engineers, the notice or notices shall be posted at the  
13 location where employees operate to carry out their activities.

14 (7) In all cases, such notice or notices shall be posted in accordance with the requirements of this  
15 administrative regulation.

16 (8) Each employer shall take steps to ensure the notice or [that such] notices are not altered,  
17 defaced, or obscured [covered by other material that obscures the poster].

18 Section 3. Availability of Administrative Regulations. (1) All applicable occupational safety and  
19 health administrative regulations are available on the Labor Cabinet website [(2) Copies of KRS  
20 Chapter 338, all administrative regulations filed pursuant thereto, and all applicable standards  
21 will be available at the Department of Workplace Standards, Labor Cabinet].

22 (2) If an employer has [obtained] copies of these materials, she or he shall make them available  
23 upon request to any employee or [his] authorized employee representative for review in the

1 establishment where the employee is employed on the same day the request is made or at the  
2 earliest time mutually convenient to the employee or [his] authorized employee representative  
3 and the employer [-

4 ~~(3) Any employer failing to comply with the provisions of this section shall be subject to citation~~  
5 ~~and penalty in accordance with the provisions of KRS 338.991.~~

6 ~~Section 4. Abatement Verification. (1) Purpose. Inspections by the Division of Occupational~~  
7 ~~Safety and Health Compliance are intended to result in the abatement of violations of KRS~~  
8 ~~Chapter 338. This section sets forth the procedures the Division of Occupational Safety and~~  
9 ~~Health Compliance will use to ensure abatement. These procedures are tailored to the nature of~~  
10 ~~the violation and the employer's abatement actions.~~

11 ~~(2) Scope and application. This section applies to employers who receive a citation for a~~  
12 ~~violation of KRS Chapter 338.~~

13 ~~(3) Abatement certification. (a) Within ten (10) calendar days after the abatement date, the~~  
14 ~~employer must certify to the Division of Occupational Safety and Health Compliance (the~~  
15 ~~agency) that each cited violation has been abated, except as provided in paragraph (b) of this~~  
16 ~~subsection.~~

17 ~~(b) The employer is not required to certify abatement if the compliance officer, during the on-site~~  
18 ~~portion of the inspection:~~

19 ~~1. Observes, within twenty four (24) hours after a violation is identified, that abatement has~~  
20 ~~occurred; and~~

21 ~~2. Notes in the citation that abatement has occurred.~~

22 ~~(c) The employer's certification that abatement is complete must include, for each cited violation,~~  
23 ~~in addition to the information required by subsection (8) of this section, the date and method of~~



1 abatement and a statement that affected employees and their representatives have been informed  
2 of the abatement. Note to this subsection: Appendix A (incorporated by reference in Section 5 of  
3 this administrative regulation) contains a sample abatement certification letter.

4 (4) Abatement documentation. (a) The employer must also submit to the agency, along with the  
5 information on abatement certification required by subsection (3)(c) of this section, documents  
6 demonstrating that abatement is complete for each willful or repeat violation and for any serious  
7 cited violation for which the agency indicates in the citation that such abatement documentation  
8 is required.

9 (b) Documents demonstrating that abatement is complete may include, but are not limited to,  
10 evidence of the purchase or repair of equipment, photographic or video evidence of abatement,  
11 or other written records.

12 (5) Abatement plans. (a) The agency may require an employer to submit an abatement plan for  
13 each cited violation (except an other than serious violation) when the time permitted for  
14 abatement is more than ninety (90) calendar days. If an abatement plan is required, the citation  
15 must so indicate.

16 (b) The employer must submit an abatement plan for each cited violation within twenty five (25)  
17 calendar days from the final order date when the citation indicates that such a plan is required.  
18 The abatement plan must identify the violation and the steps to be taken to achieve abatement,  
19 including a schedule for completing abatement and, where necessary, how employees will be  
20 protected from exposure to the violative condition in the interim until abatement is complete.

21 Note to this subsection: Appendix B (incorporated by reference in Section 5 of this  
22 administrative regulation) contains a sample abatement plan form.



~~(6) Progress reports. (a) An employer who is required to submit an abatement plan may also be required to submit periodic progress reports for each cited violation. The citation must indicate:~~

~~1. That periodic progress reports are required and the citation items for which they are required;~~

~~2. The date on which an initial progress report must be submitted, which may be no sooner than thirty (30) calendar days after submission of an abatement plan;~~

~~3. Whether additional progress reports are required; and~~

~~4. The date(s) on which additional progress reports must be submitted.~~

~~(b) For each violation, the progress report must identify, in a single sentence if possible, the~~

~~action taken to achieve abatement and the date the action was taken. Note to this subsection:~~

~~Appendix B (incorporated reference by Section 5 of this administrative regulation) contains a sample progress report form.~~

~~(7) Employee notification. (a) The employer must inform affected employees and their representative(s) about abatement activities covered by this section by posting a copy of each document submitted to the agency or a summary of the document near the place where the violation occurred.~~

~~(b) Where such posting does not effectively inform employees and their representatives about abatement activities (for example, for employers who have mobile work operations), the employer must:~~

~~1. Post each document or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or~~

~~2. Take other steps to communicate fully to affected employees and their representatives about abatement activities.~~

~~(c) The employer must inform employees and their representatives of their right to examine and copy all abatement documents submitted to the agency.~~

~~1. An employee or an employee representative must submit a request to examine and copy abatement documents within three (3) working days of receiving notice that the documents have been submitted.~~

~~2. The employer must comply with an employee's or employee representative's request to examine and copy abatement documents within five (5) working days of receiving the request.~~

~~(d) The employer must ensure that notice to employees and employee representatives is provided at the same time or before the information is provided to the agency and that abatement documents are:~~

~~1. Not altered, defaced, or covered by other material; and~~

~~2. Remain posted for three (3) working days after submission to the agency.~~

~~(8) Transmitting abatement documents. (a) The employer must include, in each submission required by this section, the following information:~~

~~1. The employer's name and address;~~

~~2. The inspection number to which the submission relates;~~

~~3. The citation and item numbers to which the submission relates;~~

~~4. A statement that the information submitted is accurate; and~~

~~5. The signature of the employer or the employer's authorized representative.~~

~~(b) The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the agency receives the document is the date of submission.~~

~~(9) Movable equipment. (a) For serious, repeat, and willful violations involving movable equipment, the employer must attach a warning tag or a copy of the citation to the operating~~

controls or to the cited component of equipment that is moved within the worksite or between worksites. Note to this paragraph: Attaching a copy of the citation to the equipment is deemed by Division of Occupational Safety and Health Compliance to meet the tagging requirement of paragraph (a) of this subsection as well as the posting requirement of 803 KAR 2:125.

(b) The employer must use a warning tag that properly warns employees about the nature of the violation involving the equipment and identifies the location of the citation issued. Note to this paragraph: Nonmandatory Appendix C in the material incorporated by reference in Section 5 of this administrative regulation contains a sample tag that employers may use to meet this requirement.

(c) If the violation has not already been abated, a warning tag or copy of the citation must be attached to the equipment:

1. For hand-held equipment, immediately after the employer receives the citation; or
2. For nonhand-held equipment, prior to moving the equipment within or between worksites.

(d) For the construction industry, a tag that is designed and used in accordance with 29 C.F.R. 1926.20(b)(3) (incorporated by 803 KAR 2:402) and 29 C.F.R. 1926.200(h) (incorporated by 803 KAR 2:406) is deemed to meet the requirements of this section when the information required by paragraph (b) of this subsection is included on the tag.

(e) The employer must assure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other material.

(f) The employer must assure that the tag or copy of the citation attached to movable equipment remains attached until:

1. The violation has been abated and all abatement verification documents required by this administrative regulation have been submitted to the agency;



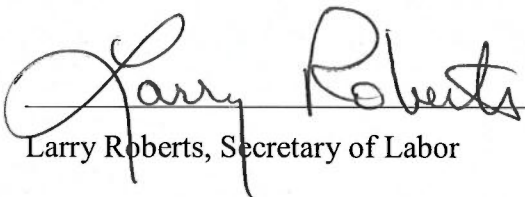
1    ~~2. The cited equipment has been permanently removed from service or is no longer within the~~  
2    ~~employer's control; or~~

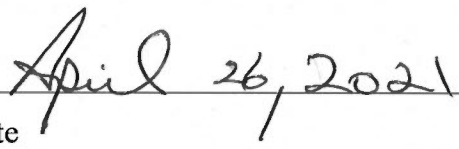
3    ~~3. The commission issues a final order vacating the citation.~~

4    ~~Section 5. Incorporation by Reference. (1) The appendices to 29 C.F.R. 1903.19, as published in~~  
5    ~~the Federal Register, Volume 62, pages 15324-15340, March 31, 1997 are incorporated by~~  
6    ~~reference.~~

7    ~~(2) This material may be inspected, obtained, and copied at the Kentucky Labor Cabinet, U.S.~~  
8    ~~127 South, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday~~  
9    ~~through Friday].~~

As approved by

  
Larry Roberts, Secretary of Labor

  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on July 21, 2021 at 10:00 am (ET). The meeting will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8) b (2020) and the continuing state of emergency. Public access to the meeting will be available at

<https://us02web.zoom.us/j/86731399141?pwd=Q2VOcDQ3ZkVBaUtoNERCMDNlKzZlZz09>, password 446261; or by telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378.

Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 21, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-4107, Facsimile: (502) 564-4769, Email: Robin.Maples@ky.gov.



## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 803 KAR 2:060

Contact person: Robin Maples (502) 564-4107, [Robin.Maples@ky.gov](mailto:Robin.Maples@ky.gov), Facsimile: (502) 564-4769

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since December 11, 1974, defines, and removes, terms. Section 2 establishes the requirement pursuant to 29 CFR 1902.9 and 29 CFR 1903.2 for employers to post the notice or notices created by the Labor Cabinet informing employees of the protections and obligations established in KRS Chapter 338. This amendment updates existing language. Section 3 updates the language addressing occupational safety and health regulations and employee access to those regulations. The remainder of the amendment strikes abatement related requirements; the language is moved to 803 KAR 2:122, Abatement. Communicating all abatement requirements in 803 KAR 2:122 provides employers and employees a more efficient means to view the requirements. This amendment also updates this administrative regulation to meet KRS Chapter 13A considerations and was reviewed in accordance with House Bill (HB) 50 2017 from the Regular Session of the 2017 General Assembly.

(b) The necessity of this administrative regulation: This administrative regulation was reviewed in accordance with HB 50 from the Regular Session of the 2017 General Assembly. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Section 1 of this administrative regulation, effective since December 11, 1974, defines, and removes, terms. Section 2 establishes the requirement pursuant to 29 CFR 1902.9 and 29 CFR 1903.2 for employers to post the notice or notices created by the Labor Cabinet informing employees of the protections and obligations established in KRS Chapter 338. This amendment updates existing language. Section 3 updates the language addressing occupational safety and health regulations and employee access to those regulations. The remainder of the amendment strikes abatement related requirements; the language is moved to 803 KAR 2:122, Abatement. Communicating all abatement requirements in 803 KAR 2:122 provides employers and employees a more efficient means to view the requirements. This amendment also updates this administrative regulation to meet KRS Chapter 13A considerations and was reviewed in accordance with HB 50 2017 from the Regular Session of the 2017 General Assembly.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation was reviewed in accordance with HB 50 from the Regular Session of the 2017 General Assembly. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent. Amendments to this regulation are technical and intended to maintain consistency with other regulations.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: This amendment maintains consistency with the federal requirements. This amendment promotes employee health and safety throughout Kentucky and keeps the state program consistent with the federal program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.



(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement.

(5) Provide an estimate of how much it will cost to implement this administrative regulation: (a) Initially: There is no cost to the OSH Program to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to the OSH Program to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.



## FEDERAL MANDATE ANALYSIS COMPARISON

Regulation Number: 803 KAR 2:060

Agency Contact: Robin Maples (502) 564-4107, [Robin.Maples@ky.gov](mailto:Robin.Maples@ky.gov), Facsimile: (502) 564-4769

1. Federal statute or regulation constituting the federal mandate.

Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1956.2(a)

2. State compliance standards.

The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. Accordingly, in order to maintain the state program as effective as the federal program, Kentucky must adopt the federal requirement or develop an equivalent standard. This regulation is equivalent.

3. Minimum or uniform standards contained in the federal mandate.

Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1956.2(a)

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements: This amendment does not impose stricter requirements.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 803 KAR 2:060

Contact Person: Robin Maples (502) 564-4107, [Robin.Maples@ky.gov](mailto:Robin.Maples@ky.gov), Facsimile: (502) 564-4769

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1903.2, 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1956.2(a)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

There are no costs associated with this amendment.

(d) How much will it cost to administer this program for subsequent years?

There are no costs associated with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Unknown.

Expenditures (+/-): Unknown.

Other explanation: This amendment does not impose any additional requirements or expenditures to the employer.